BEST COPY
AVAILABLE

MT LEGISLATIVE HISTORY

Chapter 548 1985

Bill H 649 S _____ Original bill & hist. ___C

H. Committee on Business & Industry		S. Committee on Public Health Welfare & Safety	
Hearing Date(s) Feb 19	✓C	Hearing Date(s) Mar 11	✓C
Feb 23	✓C	Mar 13	✓C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out Feb 23	✓C	Mar 13	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

Tanya Ask, representing the Montana Audit Department, stood in support of the bill as amended.

Tom Hager, representing himself as a consumer, stood in support of the bill. He stated that everyone needs a health plan which would take care of them. This is a very necessary bill.

With no further proponents, the chairman called on the opponents. Hearing none, the meeting was opened to a question and answer period from the Committee.

Senator Himsl asked why would people loose their insurance if they moved from the state under this bill. Representative Kitselman stated that since some other nearby states do not have a policy as this, he is concerned that people who live elsewhere would come to Montana and buy the insurance and then move away.

Senator Himsl asked if the cost is known at this time. The cost in unknown at this time, however, it would be like automobile insurance with a share in the coverage and also in the premium. A regulatory board will set up the costs.

Senator Towe asked if this is modeled after the insurance program of another state. It is modeled somewhat after the 1980 North Dakota Insurance program.

Senator Towe asked if one can just go buy this insurance. No, you must be denied coverage by two insurance companies before qualifying for this plan.

Representative Kitselman closed.

CONSIDERATION OF HOUSE BILL 649: Representative Jack Moore of Great Falls, the chief sponsor of House Bill 649, gave a brief resume of the bill. This bill was requested by the Department of Commerce. HB 649 is an act revising for administrative purposes the laws relating to regulation of the practice of denturity.

This is a compromise bill between the dentist and the denturists of Montana. This bill will come under sunset review in two years.

Mona Jamison, Legal Counsel to Governor Schwinden, handed out a proposed amendment. Starting on page 2, line 22, following; "37-4-301."; Insert: "The Governor shall replace one of the three denturists appointed to the initial board with a dentist member, within 60 days of the effective date of this act." She stated that this amendment had been agreed upon by all those working on this bill.

Roger Tippy, representing the Montana Dental Association, stood in support of the bill. He handed in a letter from Dr. W. A. Rader, a Havre dentist and President of the Montana Dental Association. See attachments. Mr. Tippy stated that HB 649 is a good compromise and he urged the Committee to give it a speedy consideration.

Tom Ryan, representing the Montana Senior Citizens Association, stood in support of the bill. He stated that one of the great concerns of the Montana Senior Citizens Association has been Health-Care Cost Containment. They think that HB 649 will add emphasis to their efforts. HB 649 as amended is an attempt by dental providers to reconcile their differences. They agree with the Department of Commerce licensing division that some adjustment in Initiative 97 was needed for administrative purposes. See attachments.

Joe Upshaw, representing the Association of Retired People and also the Legacy Legislature, stood in support of the bill as amended.

Dr. William Haggberg, representing the Department of Health and Environmental Sciences, stood in support of the bill.

Lee Wiser, representing the Board of Denturity, stood in support of the bill as amended and also the governor's amendments.

Wade Wilkinson, representing the Low Income Senior Citizens Association, stood in support of the bill.

Charlie Briggs, representing the Governor's Office, stood in support of the bill as amended. He stated that HB 649 is a workable compromise.

Dr. Ted Beck, a local dentist, stood in support of the bill as amended. He stated that in any legislative action, there must be some compromise so that all concerned can be equally represented. HB 649 as proposed to the Senate, is a compromise but it is a compromise that will allow those who voted for Initiative 97 to have a freedom of choice. There is reasonable representation from the dental community to hopefully ensure

public safety, if properly administered. If this HB is changed in anyway to lessen the control placed on the denturist then the public will most certainly suffer the consequences. Any proposed amendments should only be to strengthen the bill. A dentist needs to serve on the Board of Denturity.

Sam Ryan, representing the Senior Citizens, stood in support of the bill.

With no further proponents, the chairman called on the opponents.

Jeannette S. Buchanan of Columbia Falls, the dental hygienist member of the Board of Dentistry stood in opposition to the bill. She handed in written testimony to the Committee for their review. See attachments.

Dr. Myron Greany of Anaconda, a member of the Board of Dentistry, stood in opposition to the bill. He handed in written testimony to the Committee for their consideration. See attachments.

With no further opponents, the meeting was opened to a question and answer period from the Committee.

Senator Lynch asked when the Governor will be making the appointments to the Board of Denturity. Ms. Jamison stated that the Governor will be making the appointments in the very near future. If in fact, it is before this bill is passed he would appoint as the Initiative called for, and then make the changes after the bill has been passed and sent to the Governor.

Senator Hager asked about the education requirements of a denturist. The present denturists have no specified education at the present time. However, those coming into the profession after passage of this bill will be given certain requirements regarding their education.

Senator Newman asked if there is any denturity school in Montana. No, there are not. Idaho is hoping to have a school in the near future.

Representative Moore closed. The people of Montana passed Initiative 97 and it will become law. This bill is a good compromise to clear up some of the problem areas. He urged the Committee to give the bill favorable consideration and also the amendments.

4/18 TRANSMITTED TO GOVERNOR
4/23 SIGNED BY GOVERNOR
CHAPTER NUMBER 605 EFFECTIVE DATE: 1/1/86

HB 647 INTRODUCED BY FRITZ, ADDY, ET AL.
MUNICIPAL ASSUMPTION OF CERTAIN COUNTY SERVICES

2/02 INTRODUCED
2/02 REFERRED TO LOCAL GOVERNMENT
2/14 HEARING
2/15 ADVERSE COMMITTEE REPORT
2/18 BILL KILLED 74 24

HB 648 INTRODUCED BY KADAS, REGAN, MILES, ET AL.
RESTAURANT LICENSE FOR ON-PREMISES BEER AND WINE CONSUMPTION

2/02 INTRODUCED
2/02 REFERRED TO BUSINESS & LABOR
2/04 FISCAL NOTE REQUESTED
2/07 HEARING
2/08 ADVERSE COMMITTEE REPORT
2/09 FISCAL NOTE RECEIVED
2/09 BILL KILLED 85 14

HB 649 INTRODUCED BY JACK MOORE, NATHE, ET AL.
GENERALLY REVISE THE LAWS GOVERNING THE PRACTICE OF DENTURITRY
BY REQUEST OF DEPARTMENT OF COMMERCE

2/04 INTRODUCED
2/04 REFERRED TO BUSINESS & LABOR
2/05 FISCAL NOTE REQUESTED
2/11 FISCAL NOTE RECEIVED
2/19 HEARING
2/23 COMMITTEE REPORT-BILL PASS AS AMENDED
2/23 STATEMENT OF INTENT ATTACHED
2/26 2ND READING PASS 96 0
2/27 3RD READING PASS 98 2

TRANSMITTED TO SENATE
3/05 REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY
3/11 HEARING
3/14 COMM REPORT-BILL CONCURRED AS AMENDED
3/18 2ND READING CONCURRED 45 3
3/20 3RD READING CONCURRED 46 4

RETURNED TO HOUSE WITH AMENDMENTS
4/08 2ND READING AMENDMENTS CONCURRED 88 5
4/08 ON MOTION RULES SUSPENDED
PLACED ON 3RD READING THIS DAY
4/08 3RD READING AMENDMENTS CONCURRED 91 7
4/15 SIGNED BY SPEAKER
4/15 SIGNED BY PRESIDENT

4/15 TRANSMITTED TO GOVERNOR
4/18 SIGNED BY GOVERNOR
CHAPTER NUMBER 548 EFFECTIVE DATE: 4/18/85

The Committee took a recess at 3:00 to go into floor session of the Senate. They reconvened at 3:30.

CONSIDERATION OF HOUSE BILL 540: Representative Gerry Devlin of House District 25, the chief sponsor of House Bill 540, gave a brief resume of the bill. This bill is an act to establish and fund a child abuse prevention program.

Representative Devlin stated that there is a real need for the state to establish a child abuse prevention program.

JoAnn Peterson, representing the Montana Education Association, stood in support of the bill. She stated that there are four bills this session dealing with child abuse. Of the four bills, Senator Lynch's bill, SB 19, is the most favorable to her Association.

John Madsen, representing the Social and Rehabilitation Services, stood in support of the bill. He stated that the department supports the concept of HB 540 and that there is a real need for a child abuse program.

With no further proponents, the chairman called on the opponents. Hearing none, the meeting was opened to a question and answer period from the Committee.

Senator Lynch asked Representative Devlin if he felt that there was enough funding to bother with in the concept of the bill. Representative Devlin stated that he felt that the fiscal note was wrong and that the funding would probably be much higher.

Senator Stephens compared Senator Lynch's bill with Representative Devlin's bill. The concepts are the same, however, the funding mechanisms are different.

Representative Devlin closed. He stated that he felt something needs to be done in our state to prevent child abuse.

CONSIDERATION OF HOUSE BILL 807: Representative Tom Hannah of House District 86 in Billings, the chief sponsor of House Bill 807, gave a brief resume of the bill. This bill is an act providing for the protection of certain handicapped, injured or otherwise seriously ill children by requiring that they be given medical treatment.

ROLL CALL

PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 3/11/85

SENATE SEAT #	NAME	PRESENT	ABSENT	EXCUSED
6	SENATOR JUDY JACOBSON, CHAIRMAN	✓		
5	SENATOR J. D. LYNCH, V.CHAIRMAN	✓		
42	SENATOR TOM HAGER	✓		
30	SENATOR MATT HIMSL	✓		
17	SENATOR TED NEWMAN	late		
45	SENATOR BILL NORMAN	✓		
14	SENATOR STAN STEPHENS	✓		
26	SENATOR TOM TOWE	late		

Each day attach to minutes.

DATE _____

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
TED BECK	MYSEK	649	X	
SAM MURFITT	Mont. Dept Hlth	114	X	
Ellie Parker	"	114	X	
B. J. Creany	Board of Dentistry	649		X
Brian Ruckman	American Diabetes Assor	817	X	
Zoe Upshaw	AMASSN for Legacy Legislation Retired People	649	X	
Zoe Upshaw	" "	783	X	
Tom Regan	M.S.C.A	649	✓	
Tom Regan	Bill of Rts	783	✓	
E Reilly	M.S. CA.	649	X	
E K Eiling	M.S CA	783	X	
Norma Harris	SRS	807 783	X	
John Madsen	SRS	540	X	
Charles Brooks	Governor's Office	HB 783 HB 649	X	
Mona Jamison	" "	HB649	X	
Molly O'Leary	MONTAHA	HB 783	X	
Mark Ken Kennedy	Commerce	HB649	✓	
Bruce Rucl	Self	HB649	✓	
Ace Adams	Montana Health Care Assn.	HB783	Amend	
Dr Jan Sieckler	Academy of Podiatrics	HB807	✓	
Dennis Lundt	MT Medical Assn	HB817	✓	
D. Blaylock	St Ombudsman	HB783	Y	
Jo Anne Catanach	MEA	HB540	✓	
Kenneth Mankin	MACH	HB817	✓	
Tom McCamey	MBS Blue Shield	HB817	✓	

(Please leave prepared statement with Secretary)

DATE _____

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Barbara Penner	MT Heart Assoc.	HB817	✓	
LEE WISER	BOARD OF DENTURITRY	HB 649	✓	
Dan Bujan	M.S.C.Q.		✓	
Jeannette Buchanan	MT Board of Dentistry	HB649		✓
William WAGGONER	ST Dept of Health	HB 649	✓	
Christine Mitchell	Dept of Commerce	HB649	No position	
[illegible]	[illegible]	HB817	[illegible]	
[illegible]	MT. Hosp. Ad Assoc	HB817	✓	
[illegible]	STATE BOARD of DENTISTRY	HB649	✓	

(Please leave prepared statement with Secretary)

Testimony on HB 649

I am Dr. W. A. Rader, a Havre dentist and President of the Montana Dental Association.

I am here today to speak in favor of HB 649 as transmitted to the Senate.

I feel as President of the Montana Dental Association, that it should be noted and clearly indicated to this committee and audience that the M.D.A. is not an advocate of denturism in any form. Historically, dentistry has made great strides in conquering tooth decay, oral pain and reconstruction of damaged mouths. The goals of dentistry in the United States and Montana have been to advance techniques and care for the public, and to completely eliminate diseases of the mouth and teeth. We feel denturism is a reversal of these goals.

Unfortunately, the reality of Initiative 97 is that the electorate has spoken, leaving the M.D.A. to seek the best possible avenues of compromise to promote and protect the health of the public.

TO: Chairman Jacobson and Members of the Committee
FROM: Tom Ryan, Montana Senior Citizens Association
DATE: March 11, 1985
RE: HB 649

One of the great concerns of the Montana Senior Citizens Association has been Health-Care Cost Containment. We think HB 649 will add emphasis to our efforts.

HB 649 as amended is an attempt by dental providers to reconcile their differences. We agreed with the Department of Commerce licensing division that some adjustment in Initiative 97 was needed for administrative purposes.

Montana Senior Citizens Association supports HB 649 as amended.

NAME: LEE WISER DATE: 3-11-85

ADDRESS: 111 No C Street Livingston

PHONE: 222-7665

REPRESENTING WHOM? Board of Dentistry

APPEARING ON WHICH PROPOSAL: HB649

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Theodore P. Beck DATE: 3/11/91

ADDRESS: 227 West Lyndale

PHONE: 443-6466

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: HB649

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: In any legislative action there must be some compromise so that all concerned and the general population. HB649 as it is to the senate is a compromise, but it is a compromise that will allow those who voted for them without [illegible] to have the freedom of choice. There is reasonable protection from the dental community to hopefully ensure public safety if properly administered. If the HB is changed in anyway to restrict the control placed on the dentist then the public will most certainly suffer the consequences and those who use them today.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Feb 19, 1985

oppose HB ~~479~~ 649

I am Jeannette S Buchanan of Columbia Falls Montana. The dental hygienist member of the Board of Dentistry. HB ~~479~~ 649 answers some of my concerns for the health and welbeing of the public relative to The proposed practice of denturity in Montana.

A dental hygienist practices under the direct supervision of a dentist. Our area of expertice is the maintenance of healthy teeth + supporting structures, that is the gums and bone surrounding The teeth. A dental hygienist provides services which basically are preventive in nature.

X-rays are taken for diagnostic purposes. There are two factors here: 1) because of potential hazards from radiation, x-rays must be utilized with a great deal of respect.

2) x-rays are a veluable diagnostic tool. Proper diagnosis requires a great deal of understanding which can only be gained through along educational process as accredited by The Commission on Dental Education.

Any appliance placed in the mouth must be totally precise A partial appliance derives its support from natural teeth + often is distructive to The supporting structures. In many instances, the abutment teeth need to be modified in order to protect them as they hold the partial. Natural teeth which oppose artifical teeth can also be damaged.

To protede these structures, as well as the jaws and the joint, a great deal of knowledge needs to be acquired. I seek support for recognition of accredited education -

Hearing HB649 on March 11, 1985

I am Byron Greany, an Anaconda dentist, serving my third year as part of the seven member Montana Board of Dentistry. I wish to present the unanimously-agreed upon position of our group - a position established when the signature petitions were being circulated for the initiative nearly a year ago. Our position on Initiative 97 has not changed since that time.

Entrusted with protection of the dental health of all Montanans there is absolutely no way we can accept in concept, then or now, a statute licensing a group who will provide health care for Montanans without regard for minimal scientific, biological and clinical training. It is impossible for our Board to rationalize as acceptable, individuals who lack formal training, in some cases not even a high school education, to be grandfathered into a profession that has spent 100 years reaching a pinnacle that provides the worlds best dental health - this is a step backwards.

This same group is on record in their initiative agreeing with our position for requirement of an educational background but it becomes effective only after they have been grandfathered licensure. April 1st of this year, one month from now, this same licensure will require the formal training I have referred to as well as 2 years of internship requirements that the presently appointed Board of Denturitry, to the man, has not attained much less have the applicants they will license and regulate to provide a health care service for Montanans. To our Board of Dentistry it sets two standards of quality care in denturitry, and in addition, a closed shop for those 10 or 15 unqualified technicians lucky enough to be licensed before the door is closed, as per the initiative.

The Board of Dentistry, trying to be realistic to the political whims of pressure groups on the legislature, and recognizing the vote of what we believe was an uninformed electorate, request that if the entire initiative can't be turned down, which we think would be the wise choice, or rigid educational standards as outlined in Initiative 97 be adopted for <u>all</u> denturists, then consider change HB649 with the

following amendments:

1. REMOVE THE PRIVILEGE OF TAKING X-RAYS: The past few years have provided a barrage of literature and proven examples of excessive exposure to various forms of radiation of which dental x-rays is only one type. Without the necessary educational background training for diagnosis of x-rays by individuals is impossible and therefore the exposure of patients to x-ray radiation is unjustified. By their own admission and by definition under the terms of Initiative 97, denturists cannot diagnosis. X-rays are used for diagnosis whether we call it "scanning" or "diagnosing." If x-ray pictures cannot be used by the denturist why allow patients to be exposed to radiation for no reason and why should they pay for a service that does them no good. There is no limitation to the use of x-ray radiation by the denturist, yet he has no reason to take them except to increase cash flow.

2. ELIMINATE THE CONSTRUCTION OF REMOVABLE PARTIAL DENTURES: These appliances are designed with many considerations other than filling spaces of missing teeth - primarily how to extend the longevity of the remaining permanent teeth. The prescription of these appliances is based on the general health of the patient. Local findings of bone support and periodontal conditions of the teeth are most important, not to minimize the condition of the teeth to be used as attachment teeth - do they need fillings, a crown, does their shape need to be changed, rests prepared, etc. These are the things a dentist is trained to ascertain - TECHNICIANS AREN'T! Poorly designed appliances destroy good teeth!!!!

We realize this presentation will undoubtedly confuse the issue but any other position by the Board of Dentistry would be a betrayal of the confidence the Governor and the Senate placed in us when making our appointments to serve Montanans. We hope this testimony will prevail and permit us the satisfaction of protecting the dental health of Montanans in the manner in which we are dedicated.

Senator Hager asked if this bill will address the problem which his daughter and the rest of her diving team incurred at Bozeman Senior High where the diving tank is only 9 feet deep. Dr. John Drynan from the Department of Health stated that this problem would be addressed by this bill.

Senator Stephens asked if the state has been sued because of this problem and was told that in fact, the state has been sued because of the problem.

Senator Himsl asked if slides would be covered in this bill. Dr. Drynan assured Senator Himsl that slides that are a part of a swimming pool or public bathing place would be covered in this bill.

A motion was made by Senator Towe that HB 114 be amended as per the sponsor's request. Motion carried.

A motion was made by Senator Stephens that HB 114 BE CONCURRED IN AS AMENDED. Motion carried. Senator Towe will carry this bill on the floor of the Senate.

ACTION ON HOUSE BILL 540: Representative Jerry Devlin is the chief sponsor of HB 540. This bill is an act establishing and funding a child abuse prevention program.

A motion was made by Senator Himsl that HB 540 BE TABLED IN COMMITTEE. Motion carried. He stated that SB 19 is more of more acceptable way to handle the problem according to those people testifying on both of the bills.

ACTION ON HOUSE BILL 649: Representative Jack Moore of Great Falls is the chief sponsor of HB 649. This bill is an act revising for administrative purposes the laws relating to regulation of the practice of denturity.

The amendments presented by the Governor's Office were discussed. A motion was made by Senator Towe that the Governor's amendments be adopted. Motion carried.

A motion was made by Senator Hager that HB 649 BE CONCURRED IN AS AMENDED. Motion carried with Senators Newman and Himsl voting "no" and all others present voting "yes". Senator Bengston will carry this bill on the floor of the Senate.

ROLL CALL

PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE

49th LEGISLATIVE SESSION -- 1985 Date 3/13/85

SENATE SEAT #	NAME	PRESENT	ABSENT	EXCUSED
6	SENATOR JUDY JACOBSON, CHAIRMAN	✓		
5	SENATOR J. D. LYNCH, V.CHAIRMAN	late		
42	SENATOR TOM HAGER	✓		
30	SENATOR MATT HIMSL	✓		
17	SENATOR TED NEWMAN	✓		
45	SENATOR BILL NORMAN	✓		
14	SENATOR STAN STEPHENS	✓		
26	SENATOR TOM TOWE	✓		

Each day attach to minutes.

STANDING COMMITTEE REPORT

MARCH 13, 19 85

MR. PRESIDENT

We, your committee on PUBLIC HEALTH, WELFARE AND SAFETY

having had under consideration HOUSE BILL No. 649

THIRD reading copy (BLUE color)

GENERALLY REVISE THE LAWS GOVERNING THE PRACTICE OF DENTURITY

MOORE (BENGSTON)

Respectfully report as follows: That HOUSE BILL No. 649

be amended as follows:

1. Page 12, line 14.
Following: "appointment."
Insert: "Within 60 days after the effective date of this act the governor shall replace one of the 3 denturists appointed to the initial board with a dentist member."

~~XXXXXXX~~

~~XXXXXXXXXXXX~~ AND AS AMENDED BE CONCURRED IN

SENATOR JUDY JACOBSON Chairman.

Representative Simon asked Lee Wiser what use a denturist has for x-rays. Mr. Wiser explained that they are used in screening a patient.

Representative Kadas asked Lee Wiser what percentage of his patients he x-rays. Mr. Wiser stated that he sends all patients to a dentist for teeth cleaning and ex-rays prior to his working on them.

There being no further discussion by proponents or opponents, all were excused by the chairman and the hearing on House Bill 479 was closed.

HOUSE BILL 649: Hearing commenced on House Bill 649. Representative Jack Moore, District #37, sponsor of the bill at the request of the Department of Commerce, explained this changes from 5 to 3 years the required experience in the practice of denturitry for the three members of the Board of Denturitry who are denturists, changes statutory meeting of the board from specified days in December and May to "at least twice a year", eliminates the fair practice committee, changes the previous allocation of fees collected that are inconsistent with other statutes, gives the board authority to make rules, to modify fee schedules, to alter license renewal dates. The bill also includes unprofessional conduct, as defined by rule, as cause for suspension or revocation of a license. The bill strikes from Initiative 97 the provisions for judicial review of board action and makes the board subject to the procedures for judicial review of contested cases under the Administrative Procedures Act. The bill also prohibits advertising of denturitry services by unlicensed persons, added Representative Moore.

Proponent Charles Banderof, President Montana Senior Citizens Association, Joe Upshaw, representing the American Association of Retired People and Norm Brown of Great Falls, offered their support of the bill.

Proponent Charles Briggs, Office of the Governor, stated this will create positive funds for the general revenue fund. The authority of the board will be strengthened and professional and disciplinary standards will be implemented, added Mr. Briggs.

Proponent Senator Ray Lybeck, District #94, explained that is his area there are numerous senior citizens that are concerned. Senator Lybeck suggested that a 2 year try be given to afford the initiative a chance to work.

Proponent Jack Twito of Bigfork, stated that a similar bill was introduced in the 1982 legislature and in 1984 another one which was the 2nd priority out of 14 resolutions introduced.

Proponent Rev. Maurice Gunn, supplied written testimony which is attached hereto as Exhibit 17.

Proponent Tom Ryan, representing the Montana Senior Citizen Association, Sam Ryan, representing the Montana Senior Citizen Association, Lloyd Anderson of Helena, Jim Murry, AFL-CIO, Willa Dale Evans of Roundup, Everett VanDer Eden, a member of the Montana State Board of Denturitry, Anna McKee of Great Falls, Harris Anderson of Park City, Ben Albertson of Glascow, Chester Kinsey, representing Montana Low Income Association, Laura Thompson a registered nurse, Lee Wiser, Secretary-Treasurer, Montana State Board of Denturitry, Harold Twito of Columbus, James Langan of Roundup, Dolly Siderious of Kalispell, Florence Wright of Livingston and Wade Wilkinson all offered their support of the bill. Mr. Wilkinson also supplied written testimony which is attached hereto as Exhibit 18.

Opponent Larry Michaelson, voiced his opposition to House Bill 649.

Opponent Dr. Ted Beck a Helena dentist, distributed to committee members, Exhibit 19 which is attached hereto. Dr. Beck stated that he has never charged over $500 for a pair of dentures. We should respect the law, and these members on the Montana Board of Denturitry are not obeying the law and do not meet the requirements. A 2 week workshop is not sufficient training, added Dr. Beck. A witness statement is attached hereto further outlining testimony presented.

Opponent Roger Tippy, representing the Montana Dental Association, voiced his opposition to section 3, 5, and 14 of the bill. The association recognizes that denturists are here to stay, but how many is the question. Idaho passed a similar initiative and neither are perfect. This bill takes off the $200 year ceiling and the board will not have enough money to operate. Both bills should be placed together and a compromise worked out, added Mr. Tippy.

In closing, Representative Moore stated that neither bill changes the intent of the voter in passing Initiative 97, but is polishing up what was intended.

There being no further discussion by proponents or opponents, all were excused by the chairman and the hearing on House Bill 649 was closed.

ADJOURN: There being no further business before the committee, the meeting was adjourned at 9:55 a.m.

Rep. Bob Pavlovich
Chairman

DAILY ROLL CALL

BUSINESS AND LABOR COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date February 19, 1985

NAME	PRESENT	ABSENT	EXCUSED
Bob Pavlovich	✓		
Les Kitselman	✓		
Bob Bachini	✓		
Ray Brandewie	✓		
Jan Brown	✓		
Jerry Driscoll	✓		
Robert Ellerd	✓		
William Glaser	✓		
Stella Jean Hansen	✓		
Marjorie Hart	✓		
Ramona Howe	✓		
Tom Jones	✓		
Mike Kadas	✓		
Vernon Keller	✓		
Lloyd McCormich	✓		
Jerry Nisbet	✓		
James Schultz	✓		
Bruce Simon	✓		
Fred Thomas	✓		
Norm Wallin	✓		

Exhibit 17
2/19/85
HB649
Submitted by: Maurice Gun

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I AM REV. MAURICE GUNN, A RETIRED UNITED METHODIST MINISTER FROM MILES CITY.

I AM IN FAVOR OF HOUSE BILL 649.

I RESPECT THE PEOPLES DECISION ON INITIATIVE 97 LAST NOVEMBER, WHICH I BELIEVE WAS A WISE DECISION AND WAS ONE OF OUR MOST CHERISHED DEMOCRATIC RIGHTS. I BELIEVE IT SHOULD HAVE A FAIR CHANCE TO GO INTO EFFECT, AND THAT IS WHAT BILL 649 IS ATTEMPTING TO DO.

THANK YOU.

Exhibit 18
2/19/85
HB649
Submitted by: Wade Wilkinson

HB 649
FACT SHEET

Q. What is the origin of HB 649?

A. The Department of Commerce, in conjunction with the Governor's Office, developed HB 649 to enhance I-97, the measure passed by popular vote of the people of Montana last fall.

Q. Why is HB 649 needed?

A. HB 649 brings the language of I-97 into full compliance with the administrative processes followed by the Department of Commerce. It is easier, and more effective, for the Department to have its staff follow similar administrative measures in dealing with all of the state boards administered by the Department. It is easier, and more objective, to have the Department's independent investigators pursue complaints rather than to have every small board establish its own fair practices committee. It is easier, and more efficient, to have each board maintain its own rule-making authority, rather than having all state boards have to come back to the legislature every session to ask for minor changes in administrative procedures.

Q. Who supports HB 649?

A. The thousands of senior citizens and others who have worked so hard since 1982 to make I-97 a reality. Henry Siderius of Kalispell first brought the denturist concept to the 1982 Legacy Legislature. Historically, as Legacy Legislature Representative Siderius explained, Montana has lost tens of thousands of dollars annually to Canada where the practice of denturism has been going on for 25 years. When Idaho passed a denturist law, Siderius indicated that Montana was losing even more senior citizen health dollars across our borders, because denture services from denturists cost half that of services from Montana dentists. Senior citizens from the Kalispell area could go to Coeur D'Alene, Idaho or Canada, get fitted for dentures and get the dentures and pay for the trip, and still save money over what Montana dentists were charging. Seniors in Kalispell saw this as a serious loss of Montana health dollars out of their economy.

Legacy Legislature is a careful deliberative body and wanted more information. While Legacy Legislature did not endorse denturism in 1982, the senior citizen leadership went back to communities all around Montana and continued the discussion. The 1984 Legacy Legislature made I-97 one of its top priorities, and thousands of senior citizens and low income people worked hard to explain the details of the initiative to their neighbors to get the initiative on the ballot, and then to get out a favorable vote.

Groups that endorse I-97 and HB 649 include: The Association of American Retired Persons (AARP), Butte Community Union (BCU), the Human Services Caucus, Legacy Legislature, Low Income Senior Citizens Advocates (LISCA), the Montana Advocacy Task Force on Aging, the Montana Low Income Coalition (MLIC), Montana Senior Citizens Association (MSCA), and the National Retired Teachers Association (NRTA).

Exhibit 19
2/19/85
HB649
Sub. by:
Dr. Ted
Beck

Provisions of Denturism Laws in Six States

	Arizona	Colorado	Idaho	Maine	Montana	Oregon
Year of Action	1978	1979	1982	1977	1984	1978
Allows Unsupervised Practice	No	No	Yes	No	Yes	Yes
Requires Patient to Obtain Oral Health Certificate	No	No	No	No	No	Yes
Prosthetic Services Permitted	Full & Partial Dentures	Full Dentures	Full Dentures & Repairs to Partials	Full Dentures	X-rays, Full & Partial Dentures	Full Dentures
Regulatory Board	Dental	Dental	Separate	Dental	Separate	Separate
Number of Licensed Or Certified Providers	29	0*	39	0	0 //	115
STATE POPULATION (1980)	2,718,215	2,889,964	943,935	1,124,660	786,690	2,633,105

Arizona - No new license issued since 1979. State requires 12-week accredited course (60 semester hours) - currently no course offered so that accreditation can be received.

Colorado -Dental auxiliaries who provide complete denture care under dentist supervision do not need to be licensed or certified.

Idaho - Since April, 1983 all candidates must have two years of formal training - currently no course is offered so that accreditation can be received.

Maine - Two year education program required - no courses currently available.

Oregon - Two years of formal training in education required - more than 20 percent of previously certified denturists are now seeking employment in dental labs and manyhave left the State. (Currently there are 53 in the State).

Two study groups funded by the U.S. Department of Health and Human Services have determined that establishing a denturist educational program is inadvisable due to the lack of employment potential.

WITNESS STATEMENT

NAME Ted Beck BILL NO. 649

ADDRESS 227 West Lyndale, Helena, Montana DATE 2/19/85

WHOM DO YOU REPRESENT? Self

SUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I am opposed to:

Page 2 Line 17

A change from 5 years to 3 years experience to be on the Board of Denturity serves no purpose but to legitimatise Mr. Wiser's lack of experience. It further reduces the minimal educational requirements at the expense of Montanans who may use denturists.

Page 4 Lines 1-5

To abolish the fair practice committee deprives Montanans of a specific method of registering a complaint. It further relieves the board from keeping a written documentation of complaints.

Page 4 Lines 21-24

The removal of this paragraph obligates the taxpayer to pay for the board. This is a significant departure from what the voter understood at the polls. Each ballot clearly stated that the creation of this Initiative would have no financial impact on the taxpayer.

Page 15 Lines 10-17

This restriction of advertising only allows someone licensed under this Initiative to advertise. Therefore, if passed, dentists and commercial laboratories could not advertise. This is clearly a constitutional violation.

Ted Beck, DMD

CS-34

WITNESS STATEMENT

NAME Roger Tippy BILL NO. 643

ADDRESS Box 124 Helena DATE ~~2/~~ 2/

WHOM DO YOU REPRESENT? Montana Dental Assoc

SUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:
Sec. 1 allows less experienced people to be appointed.
Sec. 3 amends I-97 in a way which could have affected the fiscal note written for the ballot by the Attorney General. p. 4, lines 21-24

Sec. 5 amends I-97 to add a great-grandfather clause. p 6 (line 19)

Sec. 14 prohibits advertising by anyone who might compete with dentists. (p. 15)
349 hands a week - 479 tears it down.
Idaho legislature changed their initiative to take out making adjusting partials.
Mont. legislature changes initiatives with regularity.

WITNESS STATEMENT

NAME Dr. Richard David Prill BILL NO. 649

ADDRESS 823 North 29th St Billings MT DATE 2/9/93

WHOM DO YOU REPRESENT? _____

SUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

649 only shows what a bad initiative 93 was and that it needs continual fine tuning at the expense of the taxpayers.

With the advent of 479 649 becomes a redundant waste of your time and of all the taxpayers money.

Dr. R D Prill

HB 479, 649

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

John Vincent
Speaker

February 7, 1985

Ms. Bessie Hull
P.O. Box 212
Joliet, MT 59041

Dear Ms. Hull:

Thank you for your letter and petition expressing your desire to keep Initiative 97 in tact. House Bills 479 and 649 have been referred to the Business and Labor Committee for hearings; therefore, I am forwarding a copy of your letter and the petition to the chairman of this committee for consideration.

I appreciate knowing your concerns, and thank you and the other petition signers for the letter.

Sincerely,

John Vincent

JOHN VINCENT
Speaker

JV/ja

cc: Representative Bob Pavlovich
Chairman, Business and Labor Committee

Joliet, MT. 59041 5 February 1985

Mr. John Vincent
Speaker of the House of Representatives
State of Montana
Helena, MT. 59601

Dear Mr. Speaker:

Will you please inform the members of the House of Represemtatoves concerning this petition. Those Members of the House who co-sponsored HB. 479 and HB. 649, especially, should realize that we do not want Initiative 97 amended, revised on "fine tuned" before it has had an opportunity to succeed or fail in whatever it was intended to do.

Sincerely,

All of us on the Petition

cc. Montana Senate, Governor Ted Schwinden

VISITORS' REGISTER

BUSINESS AND LABOR COMMITTEE

BILL NO. House Bill 649 DATE February 19, 1985

SPONSOR Representative Moore

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Christa Kinney	Helena	✓	
LLOYD ANDERSON	E. Helena	✓	~~✓~~
EARL REILLY	HELENA M.S.C.A.	✓	
TOM RYAN	HELENA M.S.C.A	✓	
[illegible]	Great Falls	✓	
[illegible]	Mont. AFL-CIO	✓	
[illegible]	Miles City MT	✓	
[illegible]	Ballantine Mt.	✓	
[illegible]	Miles City	✓	
[illegible]	Governor's Office	X	
[illegible]	Helena	X	
[illegible]	Helena	X	
[illegible]	Helena	X	
[illegible]	Helena	X	
[illegible]	Helena MT AARP, Legislative Legislation	X	
[illegible]	[illegible]	X	
[illegible]	Miles City MT	X	
[illegible]	1009 Riverside Dr. [illegible] MT	X	
[illegible]	Park City Mt	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT F

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

CS-33

VISITORS' REGISTER

_____ COMMITTEE

BILL NO. House Bill 649 DATE 2/19/85

SPONSOR Moore

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Wally Nunn - Citizen	Helena	X	X
Grant Kindsvan	Kalispell	X	
Lee Heiser	Livingston	X	
Jack White	Big Fork	X	
Ray Taylor & Senate Dist 4	Kalispell, MT	X	
Maurice Hunt	Miles City MT.	X	
Everett VanDenEnden	B. Rivers MT	X	
Ron Brown	H. C.	X	
Anne E. McKee	Gt Falls	X	
Frank McKenzie	100-1400-SW Great Falls MT		
Louise Kuntz	MT Low Income	X	
Robert Watson		X	
James Edwards	Roundup, Mont	X	
Beatrice M Peterson	Lewistown Mont	X	
Debra Oltrogge	Great Falls Mont	X	
Judy Lumsden	Helena MT	X	
Ruth Armstrong	Helena MT	X	
Judy Blackwell RN	Billings MT		✓
Tom Ryan	Helena	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

MINUTES OF THE MEETING
BUSINESS AND LABOR COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

February 23, 1985

The meeting of the Business and Labor Committee was called to order by Chairman Bob Pavlovich, on February 23, 1985 at 7:00 a.m. in Room 312-2 of the State Capitol.

ROLL CALL: All members were present.

ACTION ON HOUSE BILL 649: Representative Kitselman made a motion that House Bill 649 DO PASS. Representative Pavlovich asked if the plates could be marked with either DDS of DEN. Representative Kitselman then moved the amendments which are attached hereto as Exhibit 1. The amendments DO PASS by unanimous vote. Representative Kitselman moved the statement of intent, which passed unanimously. HB649 DO PASS AS AMENDED WITH STATEMENT OF INTENT with all but Representative McCormick voting yes.

ACTION ON HOUSE BILL 479: Representative Kitselman made a motion that House Bill 479 be TABLED. Second was received and House Bill 479 is TABLED by a unanimous vote.

ACTION ON HOUSE BILL 896: Representative Jones moved DO PASS on House Bill 896. Representative Jones then moved the amendments which are attached hereto as Exhibit 2 and the statement of intent. The amendments and statement of intent DO PASS unanimously. House Bill 896 DO PASS AS AMENDED unanimously.

ACTION ON HOUSE BILL 387: Representative Driscoll made a motion that House Bill 387 DO PASS. Representative Driscoll then moved the statement of intent which passed unanimously. House Bill 387 DO PASS WITH STATEMENT OF INTENT by a unanimous vote.

ACTION ON HOUSE BILL 895: Representative Glaser moved DO PASS on House Bill 895. He then moved the amendments attached hereto as Exhibit 3 and explained that electrician is added, residential installation is delected and a license may be taken away if the privelege is abused. The amendments DO PASS unanimously. Representative Glaser then moved the statement of intent which passed by a unanimous vote. House Bill 895 DO PASS AS AMENDED WITH STATEMENT OF INTENT with all but Representative Hansen voting yes. Representative Hansen added that this satisfies the fire department and not the retailer.

HOUSE JOINT RESOLUTION 13: Hearing commenced on House Joint

DAILY ROLL CALL

BUSINESS AND LABOR COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date February 23, 1985

NAME	PRESENT	ABSENT	EXCUSED
Bob Pavlovich	✓		
Les Kitselman	✓		
Bob Bachini	✓		
Ray Brandewie	✓		
Jan Brown	✓		
Jerry Driscoll	✓		
Robert Ellerd	✓		
William Glaser	✓		
Stella Jean Hansen	✓		
Marjorie Hart	✓		
Ramona Howe	✓		
Tom Jones	✓		
Mike Kadas	✓		
Vernon Keller	✓		
Lloyd McCormich	✓		
Jerry Nisbet	✓		
James Schultz	✓		
Bruce Simon	✓		
Fred Thomas	✓		
Norm Wallin	✓		

CS-30

STANDING COMMITTEE REPORT

February 23 19 85

MR. SPEAKER

We, your committee on BUSINESS AND LABOR

having had under consideration HOUSE Bill No. 649

FIRST reading copy (WHITE color)

GENERALLY REVISE THE LAWS GOVERNING THE PRACTICE OF DENTURITRY

Respectfully report as follows: That HOUSE Bill No. 649

BE AMENDED AS FOLLOWS:

1. Title, line 8
   Following: "YEAR"
   Insert: "AND ADD A DENTIST TO THE BOARD"

2. Title, line 24
   Following: "DENTURITRY;"
   Insert: "PROVIDING FOR SUNSET REVIEW; PROVIDING PROCEDURES FOR MAKING AND FITTING PARTIAL DENTURES AND FOR MAKING X-RAYS;

3. Title, Page 2, line 4
   Following: "22,"
   Insert: "26,"

DO PASS.

Rep. Robert Pavlovich, Chairman.

COMMITTEE SECRETARY

STATE PUB. CO.
Helena, Mont.

S

4. Page 2, line 15
Following: "attorney."
Strike: "Three"
Insert: "Two"

5. Page 2, line 18
Following: "denturitry"
Insert: "and who are not dentists. One member of the board must be a dentist licensed under 37-4-301"

6. Page 12, line 8
Following: line 7
Strike: line 8 through "respectively,"
Insert: "staggered terms"

7. Page 15, line 11
Following: line 10
Strike: lines 11 through 21 in their entirety
Insert: "No person may represent or hold himself out to the public as a denturist or as practicing denturitry"

8. Page 15, line 23
Following: line 22
Insert: "NEW SECTION. Section 15. Procedure for making and fitting partial denture. (1) Prior to making and fitti a partial denture, a denturist shall:
(a) formulate a study model of the intended denture;
(b) refer the patient to a dentist together with the model for tooth cleaning, mouth preparation, and x-rays, as needed; and
(c) make the partial denture and fit it to the existing teeth after the dentist has completed the procedures listed in subsection (1)(b) and in accordance with the dentist's recommendations.
(2) A denturist may not cut, surgically remove, or surgically reduce any tissue or teeth in the process of fitting a partial denture.
(3) A denturist who makes or fits a partial denture in a manner not consistent with this section is subject t the sanctions provided in section 15 of Initiative 97."

Rep. Robert Pavlovich, Chairman.

STATE PUB. CO.
Helena, Mont.

NEW SECTION. Section 16. Sunset review by audit committee -- provisions for possible merger. (1) The legislative audit committee shall review the operations of the board of denturitry under the criteria of 2-8-112 and 2-8-113 and the additional criterion of whether the board has licensed a sufficient number of denturists to be a viable agency. The legislative audit committee shall, if the board has not licensed 30 denturists who are practicing in Montana by October ~~Oct~~ 1, 1986, or if the board has otherwise failed to demonstrate its fiscal viability, and may in any event, prepare a bill for the 50th legislature to merge the board of denturitry with the board of dentistry. (2) If the legislative audit committee proposes a merger under subsection (1), it shall provide that the board of dentistry consist of four dentists, one dental hygienist, one denturist, and two lay persons, one of whom must be a senior citizen representative.

Section 17. Section 26 of Montana Initiative No. 97 is amended to read: "Section 26. Section 37-14-301, MCA is amended to read: "37-14-301. Limitation of license authority-exemptions. (1) No person may apply x-ray radiation to a person unless licensed under this chapter, with the following provisos: (a) Licensure is not required for: (i) a student enrolled in and attending a school or college of medicine, osteopathy, chiropody, podiatry, dentistry, dental hygiene, chiropractic, or radiologic technology who applies x-ray radiation to persons under the specific direction of a person licensed to prescribe such examinations or treatment; (ii) a person administering x-ray examinations related to the practice of dentistry or denturitry, provided such person is certified by the board of dentistry as having passed an examination testing his proficiency to administer x-ray examinations. (b) Nothing in this chapter shall be construed to limit or affect in any respect the practice of their respective professions by duly licensed practicners. (2) A person licensed as a radiologic technologist may apply x-ray radiation to persons for medical, diagnostic, or therapeutic purposes under the specific direction of a person licensed to prescribe such examinations or treatments. (3) A radiologic technologist licensed under this chapter may inject contrast media and radioactive isotopes (radio-nuclide material) intravenously upon request of a duly licensed practitioner ~~practicner~~. In the case of contrast media, the licensed practitioner requesting the procedure or the radiologist must be immediately available within the x-ray department. Such injections must be for diagnostic studies only and not for therapeutic purposes. The permitted injections include peripheral intravenous injections but specifically exclude intra-arterial or intracatheter injections. An uncertified radiologic technologist or a permitholder under 37-14-306 may not perform any of the activities listed in this subsection."

Renumber: subsequent sections

Rep. Robert Pavlovich, Chairman.

STATE PUB. CO.
Helena, Mont.

9. Page 16, line 5
Following: "12,"
Strike: "and"
Following: "14"
Insert: ", and 15"

10. Page 16, line 8
Following: "12,"
Strike: "and"
Following: "14"
Insert: ", and 15"

DO PASS AS AMENDED
STATEMENT OF INTENT ATTACHED

Rep. Robert Pavlovich, Chairman.

STATE PUB. CO.
Helena, Mont.

STATEMENT OF INTENT

This bill is for a major revision of Initiative 97, the Denturitry Practice Act. The bill delegates new authority to the new board of denturitry and clarifies some delegations of authority contained in the initiative. A statement of intent is therefore required for this bill.

It is the intent of section 1 of the bill that the governor have authority to implement staggered terms of board members during the appointing process.

It is the intent of section 4 of the bill that the board of denturitry have general authority to adopt rules for the implementation and enforcement of the act, including specific authority to adopt rules regarding license applications, license examinations, criteria for grading examinations, disciplinary standards for licensee, inspection of premises and facilities used in the practice of the profession, and investigation of complaints.

It is the intent of section 6 of the bill that the board have authority to modify fees set by the initiative and to set and modify additional fees.

It is the intent of section 7 of the bill that the board have authority to alter license renewal dates by rule.

It is the intent of section 8 of the bill that the board have authority to define "unprofessional conduct" of licensees by rule, for the purpose of establishing license discipline conduct standards.

Rep. Robert Pavlovich, Chairman.

STATE PUB. CO.
Helena, Mont.

Exhibit 1
2/23/85
House Bill 649

Amendments to House Bill 649, Introduced Bill

1. Title, line 8
   Following: "YEAR"
   Insert: "AND ADDING A DENTIST TO THE BOARD"

2. Title, line 24
   Following: "DENTURITRY;"
   Insert: "PROVIDING FOR SUNSET REVIEW; PROVIDING PROCEDURES FOR MAKING AND FITTING PARTIAL DENTURES AND FOR MAKING X-RAYS;"

3. Title, Page 2, line 4
   Following: "22,"
   Insert: "26,"

4. Page 2, line 15
   Following: "attorney."
   Strike: "Three"
   Insert: "Two"

5. Page 2, line 18
   Following: "denturitry"
   Insert: "and who are not dentists. One member of the board must be a dentist, licensed under 37-4-301"

6. Page 12, line 8
   Following: line 7
   Strike: line 8 through "respectively"
   Insert: "staggered terms"

7. Page 15, line 11
   Following: line 10
   Strike: lines 11 through 21 in their entirety
   Insert: "no person may represent or hold himself out to the public as a denturist or as practicing denturitry"

8. Page 15, line 23
   Following: line 22
   Insert: "NEW SECTION. Section 15. Procedure for making and fitting partial denture. (1) Prior to making and fitting a partial denture, a denturist shall:
   (a) formulate a study model of the intended denture,
   (b) refer the patient to a dentist together with the model for tooth cleaning, mouth preparation, and x-rays, as needed, and

(c) make the partial denture and fit it to the existing teeth after the dentist has completed the procedures listed in subsection (1)(b) and in accordance with the dentist's recommendations.

(2) A denturist may not cut, surgically remove, or surgically reduce any tissue or teeth in the process of fitting a partial denture.

(3) A denturist who makes or fits a partial denture in a manner not consistent with this section is subject to the sanctions provided in [section 15 of Initiative 97].

NEW SECTION. Section 16. Sunset review by audit committee - provisions for possible merger. (1) The legislative audit committee shall review the operations of the board of denturitry under the criteria of 2-8-112 and 2-8-113 and the additional criterion of whether the board has licensed a sufficient number of denturists to be a viable agency. The legislative audit committee shall, if the board has not licensed 30 denturists who are practicing in Montana by Oct 1, 1986, or if the board has otherwise failed to demonstrate its fiscal viability, and may in any event, prepare a bill for the 50th legislature to merge the board of denturitry with the board of dentistry. (2) If the legislative audit committee proposes a merger under subsection (1), it shall provide that the board of dentistry consist of four dentists, one dental hygienist, one denturist, and two lay persons, one of whom must be a senior citizen representative.

~~NEW SECTION~~. Section 17. Section 26 of Montana Initiative No. 97 is amended to read:

"Section 26. Section 37-14-301, MCA, is amended to read:

"37-14-301. Limitation of license authority-exemptions.

(1) No person may apply x-ray radiation to a person unless licensed under this chapter, with the following provisos:

(a) Licensure is not required for:

(i) a student enrolled in and attending a school or college of medicine, osteopathy, chiropody, podiatry, dentistry, dental hygiene, chiropractic, or radiologic technology who applies x-ray radiation to persons under the specific direction of a person licensed to prescribe such examinations or treatment;

(ii) a person administering x-ray examinations related to the practice of dentistry or denturitry.

, provided such person is certified by the board of dentistry as having passed an examination testing his proficiency to administer x-ray examinations

(b) Nothing in this chapter shall be construed to limit or affect in any respect the practice of their respective professions by duly licensed practioners.

(2) A person licensed as a radiologic technologist may apply x-ray radiation to persons for medical, diagnostic, or therapeutic purposes under the specific direction of a person licensed to prescribe such examinations or treatments.

(3) A radiologic technologist licensed under this chapter may inject contrast media and radioactive isotopes (radio-nuclide material) intravenously upon request of a duly licensed practioner. In the case of contrast media, the licensed practioner requesting the procedure or the radiologist must be immediately available within the x-ray department. Such injections must be for diagnostic studies only and not for therapeutic purposes. The permitted injections include peripheral intravenous injections but specifically exclude intra-arterial or intracatheter injections. An uncertified radiologic technologist or a permitholder under 37-14-306 may not perform any of the

Renumber: subsequent sections

9. Page 16, line 5
Following: "12,"
Strike: "and"
Following: "14"
Insert: ", and 15"

10. Page 16, line 8
Following: "12,"
Strike: "and"
Following: "14"
Insert: ", and 15"